

THE UNITED STATES BANKRUPTCY COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

IN RE: John Vetrulli and : Chapter 13
Maryanne Vetrulli, :
Debtors : No. : 19-11281-elf

MOTION TO MODIFY THE CHAPTER 13 PLAN (POST-CONFIRMATION)

COMES NOW John Vetrulli and Maryanne Vetrulli, by and through counsel at Ross, Quinn & Ploppert, P.C., to move this Honorable Court to Modify the Chapter 13 Plan (Post-Confirmation), and in support thereof avers as follows:

1. Debtors filed a Chapter 13 Bankruptcy Petition on March 1, 2019 and were assigned case no. 19-11281-elf.
2. William C. Miller, Esquire is the assigned Standing Chapter 13 Trustee.
3. Debtors' held \$4,165.86 in non-exempt equity in assets as of the time of the filing of this case.
4. At the time of filing, John Vetrulli was employed with Joe Friedman Construction as a superintendent earning gross wages in excess of \$8200.00 per month. Debtor Maryanne Vetrulli is a homemaker with \$184 in social security retirement income per month.
5. In 2019, prior to filing the bankruptcy case, Debtor John Vetrulli experienced a heart attack at age 65 years old. Debtor was forced to take a few months off from employment to recuperate but returned to work in the summer of 2019.
6. Upon return to work, Debtors' plan increased from \$100 per month to \$925 per month. A Chapter 13 plan was confirmed requiring two (2) monthly payments of \$100 followed by fifty-eight (58) payments of \$925.00 for total plan funding of \$53,850.00.

7. The plan provided a pro-rata distribution to general creditors based on Debtor's household income and expenses.

8. Unfortunately, Debtor was laid off again in March 2020 due to the COVID-19 shutdown. Debtor received unemployment benefits through May 10, 2020.

9. Debtor returned to work on May 10, 2020.

10. The employer has laid off Debtor again as of June 26, 2020. Debtor is now 66 years old and is unable to perform the physical demands of the construction work.

11. Due to health and lack of work, Debtor John Vetrulli does not anticipate returning to the employer he has worked for since 1991.

12. Debtor is currently receiving unemployment benefits. Debtor spouse is receiving her small social security benefit.

13. The household income has decreased significantly with little hope of returning to what it was prior to John Ventrulli's layoff from Joe Friedman Construction.

14. To date, Debtors have paid \$9448.00 to the Chapter 13 Trustee on behalf of the confirmed plan.

15. Based on the reduced household income, a proposed modified 60 month Chapter 13 plan was filed on July 27, 2020 that requires the \$9,448.00 already paid into the plan over the first sixteen (16) months plus forty-four (44) additional payments of \$185.00 for total payment of \$17,588.00.

16. Debtor's plan is compliant with 11 U.S.C. 1325(a)(4) by distributing \$12,466.97 to general unsecured claims, in excess of the \$4,165.86 of non-exempt equity.

17. The modification of the plan is in the best interest of creditors.

WHEREFORE, Debtors respectfully request that this Honorable Court modify the Chapter 13 Plan in accordance with the proposed modified Chapter 13 Plan (Post-Confirmation) dated and docketed on July 27, 2020.

ROSS, QUINN & PLOPPERT, P.C.

By: /s/ Joseph Quinn

Joseph Quinn, Esquire

Attorney I.D. 307467

Ross, Quinn & Ploppert, P.C.

192 S. Hanover Street, Suite 101

Pottstown, PA 19464

Ph: (610) 323-5300

F: (610) 323-6081

Dated: July 27, 2020